

No amendments are presented with the present submission.

### **III. Request for Entry of Declaration**

The Examiner is requested to enter and give full consideration to the aforementioned Uchida Declaration.

### **IV. Examiner's Interview**

On October 20, 2008, Applicants' representative Mitchell Bernstein conducted a telephonic interview Examiner Havlin, to discuss the pending rejection under section 112, first paragraph. During the interview, agreement was reached that the argument presented in the Amendment After Final Rejection that was filed on September 24, 2008 addressed and overcame the rejection. The Examiner is thanked for the courtesies extended during the interview.

### **V. Pending Rejections**

The pending rejections are summarized and addressed as follows.

*(i) Rejection Under 35 U.S.C. §103(a).* Claims 1-3, 5, 6, and 13 remain rejected over Claims 1-3, 5, 6 and 13 remain rejected as allegedly obvious over Umeda et al., U.S. Patent No. 6,342,516 ("the '516 patent") in view of Hansch et al., Substituent Constants for Correlation Analysis in Chemistry and Biology, (1979), Wiley, pp. 1-63 ("Hansch"). In the Oct. 8 Advisory Action, the Examiner failed to address any of the arguments concerning the non-obviousness of the claims that were set forth in Applicants' previous reply. Additionally, the Examiner did not enter and therefore did not consider the Uchida Declaration. The Examiner is respectfully to give full consideration to the Uchida Declaration and Applicants' arguments set out in the prior response.

*(ii) Rejection Under 35 U.S.C. §112, first paragraph (written description).* In the Oct. 8 Advisory Action, the Examiner maintained the rejection of claim 14 as including new matter because it recites a subgenus of claim 1 that does not have support in the specification. As set forth above, in a telephonic interview conducted with Applicants' representative on October 20, 2008, the Examiner agreed that Applicants' prior arguments overcome the rejection and that claim 14 does not include new matter. Withdrawal of the instant rejection is respectfully requested.

**VI. Conclusion.** This application is believed to be in condition for allowance, which is earnestly solicited. If the Examiner believes there are remaining issues that could be addressed by an Examiner's Amendment, he is cordially invited to contact the undersigned attorney.

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Respectfully submitted,

By 

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